

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

June 7, 2005

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, June 7, 2005 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Knudson, Kafes, Carr and Lamson. Mrs. White was absent. Staff members present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER and MINUTES

Chairman Knudson called the meeting to order. After Messrs. Carr and Kafes made corrections, Mr. Kafes moved that the minutes of the April 5, 2005 meeting be approved. Mr. Carr seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Lamson, Knudson, Kafes, Carr
No: None
Absent: White

PUBLIC HEARINGS

BZA #05-012: Request of Jeff Drifmeyer for a variance from Sec. 21-140 to reduce the average lot size for a two lot subdivision from 20,000 square feet to 17,991 square feet. It is proposed to subdivide a 35,983 square foot lot into two lots of 17,955 square feet and 18,028 square feet. This subdivision meets the minimum lot size requirement of 17,500 square feet, but does not meet the average lot size requirement of 20,000 square feet required for subdivisions of two or more lots. The property is located at 133 Berkeley Lane, Williamsburg Tax Map No. 552-0A-00-001, and is zoned Single Family Dwelling District RS-1. Denied.

Chairman Knudson introduced the request for a variance and noted the following BZA members have visited the site:

Knudson, Kafes, Lamson and Carr

Mr. Drifmeyer stated that he wishes to construct a single-family dwelling consistent with others in the neighborhood. He added that his request is for a smaller dwelling within the existing footprint, and there will not be additional requests for variances.

Chairman Knudson opened the public hearing. There being no comment the public hearing was closed.

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Board comments included:

- The proposed subdivision meets the minimum lot size requirement of 17,500 square feet, but does not meet the average lot size requirement of 20,000 square feet required for subdivisions of two or more lots.
- In response to the question if a suite for elderly parents could be built here, Mrs. Murphy answered that the Zoning Ordinance would permit this as a part of an existing dwelling with certain restrictions, but it would need to be converted back to a single-family dwelling once the parents no longer occupy the unit.
- There is no requirement for a garage, but there must be two off-street parking spaces of 9x18 feet each.
- There is an existing driveway in the rear.

Mr. Kafes said the request for a variance does not meet the necessary requirements for approval. There is no undue hardship demonstrated and the strict application of the terms of the applicable provisions would not effectively prohibit or unreasonably restrict the utilization of the property.

Messrs. Carr and Lamson echoed Mr. Kafes' statements.

On the motion of Mr. Kafes, seconded by Mr. Carr, which carried by a vote of 4-0, the following resolution was adopted:

WHEREAS, **Jeff Drifmeyer** has submitted application **BZA #05-012** requesting a variance from Section 21-140 of the Zoning Ordinance to reduce the average lot size for a two lot subdivision from 20,000 square feet to 17,991 square feet. It is proposed to subdivide a 35,983 square foot lot into two lots of 17,955 square feet and 18,028 square feet. This subdivision meets the minimum lot size requirement of 17,500 square feet, but does not meet the average lot size requirement of 20,000 square feet required for subdivisions of two or more lots; and

WHEREAS, the property is located at 133 Berkeley Lane, Williamsburg Tax Map Number **552-(0A)-00-001** and is zoned Single Family Dwelling District RS-1; and

WHEREAS, the City of Williamsburg Board of Zoning Appeals conducted a public hearing on this request on June 7, 2005; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined that a variance cannot be authorized because the request does not comply with Section 21-97 of the Zoning Ordinance because the Board finds:

That the strict application of this chapter **would not produce** an undue hardship because there is no hardship demonstrated.

NOW, THEREFORE, BE IT RESOLVED by the City of Williamsburg Board of Zoning Appeals on this the 7th day of June, 2005 that the request of Jeff Drifmeyer for a variance from Section 21-140 of the Zoning Ordinance, **is hereby denied**.

Recorded vote on the motion:

Aye: Lamson, Knudson, Kafes, Carr
No: None
Absent: White

BZA #05-013: Request of David and Linda Coppinger for a special exception in accordance with Sec. 21-754 to allow an eight foot high freestanding sign for Taproot with the sign face located 40 inches above the ground instead of the 17.5 inches required for the Corridor Sign District [Sec. 21-747(1)]. The property is located at 157 Second Street, Williamsburg Tax Map No. 468-05-00-A, and is zoned General Business District B-3. Approved.

Chairman Knudson introduced the request for a special exception and noted the following BZA members have visited the site:

Knudson, Kafes, Lamson, and Carr

Applicant, David Coppinger, stated that the request for a special exception would allow the existing sign and landscaping to remain. He noted that to bring the signage into conformance by lowering the height to 17.5 inches would require the removal of landscaping or relocating the sign in front of the landscaping thereby creating visual clutter along the street. Mr. Coppinger added that the Second Street Corridor needs all the landscaping possible.

Chairman Knudson opened the public hearing. There being no comment the public hearing was closed.

Board comments included:

- Height of vegetation will need to be maintained; should not be below 36”.
- The City has been making an effort to increase the number of monument or two-post signs.
- Mrs. Murphy noted it has been the intent of the sign ordinance to have signage lowered.

Mr. Carr stated that he is very pro-business, is wrestling with this proposal and wonders if a monument sign could be placed closer to the road like the other commercial monument signs. If necessary the sign could be located near the driveway. He noted that this location would actually help improve business in that it would be more visible. He said vegetation may come and go and we need to strive for uniformity with monument signage closer to the road.

Mr. Lamson commented that while he is certainly pro-business, and that Mr. Carr has an excellent suggestion, he does not believe the Board of Zoning Appeals is tasked with making the decision regarding ideas to encourage business. He added that the mission of the Board is to determine if this proposal meets the requirements necessary for approval or denial.

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Mr. Coppinger said he sees Richmond Road redundant with its uniform, national logos. He is all for the original, unique sign; not necessarily the biggest, neon-lit, plastic sign.

Mr. Carr expressed his concern with the precedent set if this request were approved today.

Mrs. Knudson stated that the proposal gives the appearance of a monument sign and regarding setting of a precedent, individual proposals will be reviewed on a case-by-case basis.

Mr. Carr stated that although he is in favor of approval of the request, he had wanted to hear the Boards' thoughts and concerns regarding certain uniformity issues.

On the motion of Mr. Kafes, seconded by Mr. Lamson which carried by a vote of 4-0, the following resolution was **adopted**:

WHEREAS, David and Linda Coppinger have submitted an application **BZA #05-013** requesting a special exception from Section **21-754** of the Zoning Ordinance to **allow an eight-foot high freestanding sign for their business with the sign face located 40 inches above the ground instead of the 17.5 inches required for the Corridor Sign District, with the condition that the vegetation be maintained appropriate to the sign, but not less than 30"**.

WHEREAS, the property is located at **157 Second Street**, Williamsburg Tax Map Number 468-(05)-00-A and is zoned General Business District B-3; and

WHEREAS, the City of Williamsburg Board of Zoning Appeals conducted a public hearing on this request on June 7, 2005; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined the following:

- (a) A hardship **would** result from the denial of the special exception.
- (b) It **is** designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
- (c) It **does not** unreasonably impair an adequate supply of light and air to adjacent property;
- (d) It **does not** increase public danger from fire or otherwise unreasonably restrict public safety;
- (e) It **does not** impair the established property values in surrounding areas.

NOW, THEREFORE, BE IT RESOLVED by the City of Williamsburg Board of Zoning Appeals on this the 7th day of June, 2005 that the request of David and Linda Coppinger to allow an eight-foot high freestanding sign for their business with the sign face located 40 inches above the ground instead of the 17.5 inches required for the Corridor Sign District **is hereby approved**.

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Recorded vote on the motion:

Aye: Lamson, Knudson, Kafes, Carr
No: None
Absent: White

OLD BUSINESS – None

NEW BUSINESS -- None

There being no further business the meeting adjourned at 4:30 p.m.

Respectfully submitted,

Judith Knudson, Chairman
Board of Zoning Appeals